

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

ALICIA WASHINGTON

Plaintiff,

v.

CIVIL ACTION NO.: 3:21-cv-00356-CWR-FKB

VEOLIA WATER NORTH AMERICA OPERATING  
SERVICES, LLC, AND JOHN AND JANE DOES 1-10,

Defendants.

**MOTION FOR PARTIAL DISMISSAL OF AMENDED COMPLAINT**

Defendant, Veolia Water North America-South, LLC (incorrectly referred to in Plaintiff's Amended Complaint as Veolia Water North America Operating Services, LLC) ("Veolia" or "Defendant"), files this *Motion for Partial Dismissal of Amended Complaint*, pursuant to Federal Rule of Civil Procedure 12(b)(6), on the basis that Plaintiff has failed to state a cognizable claim for racial harassment, racial discrimination, and/or retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* because: (a) many of the alleged actions do not constitute "adverse employment actions,"; (b) Plaintiff failed to exhaust her administrative remedies with respect to her disparate pay claim and/or such a claim would be time-barred; (3) Plaintiff failed to exhaust her administrative remedies on any constructive discharge claim and/or failed to state such a claim; and (4) Plaintiff failed to state an actionable racial harassment or retaliation claim. With respect to Plaintiff's newly added Equal Pay Act claim, that should be dismissed because: (a) it is time-barred; or, in the alternative, (b) Plaintiff failed to state a claim. Finally, with respect to her newly added sex discrimination claim, that should be dismissed because she failed to state a claim.

WHEREFORE, PREMISES CONSIDERED, for the reasons set forth in this motion and the accompanying memorandum, Plaintiff's racial and gender discrimination, racial harassment,

retaliation, and Equal Pay Act claims should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6), with prejudice.

Dated, August 23, 2021.

Respectfully submitted,

/s/ Lindsay Thomas Dowdle  
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**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

I, Lindsay Thomas Dowdle, do hereby certify that I have this day caused to be filed a true and correct copy of the foregoing document with the Clerk of the Court, using the Court's ECF system which will provide notification of such filing to counsel of record:

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SO CERTIFIED this the 23rd day of August, 2021.

/s/ Lindsay Thomas Dowdle  
Lindsay Thomas Dowdle